

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Schaldach, et al

Application No.: 09/974,780

Filed: 10/09/2004

For: STENT

Group No.: 3731

Examiner: Baxter, Jessica

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OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

**PETITION TO REVIVE APPLICATION ABANDONED UNINTENTIONALLY
FOR FAILURE TO REPLY TO A FINAL REJECTION**

1. This application became abandoned on October 11, 2004.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional 37 C.F.R. §1.137(b)(3).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)
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37 C.F.R. § 1.10*
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TRANSMISSION

facsimile transmitted to the Patent and Trademark Office (703)

Date October 29, 2004

Becky A. Reese
Signature

Becky A. Reese

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

3. Reply

With respect to the outstanding requirements applicant files herewith a request for continued examination (RCE) accompanied by a submission and the requisite fee under 37 C.F.R. § 1.114.

4. Fee (37 C.F.R. § 1.17(m))

Applicant's status is: Other than a small entity — fee \$1,370.00.

5. Fee Payment

Fee for Petition to Revive Application \$1,370.00

Fee for Request for Continued Examination 790.00

Attached is a check in the amount of \$2,160.00

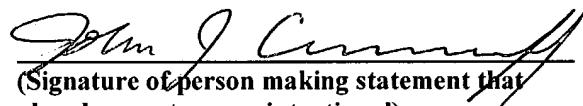
If the fee submitted with these papers is insufficient, the Commissioner is authorized to charge or refund any additional fees to deposit account 15-0450.

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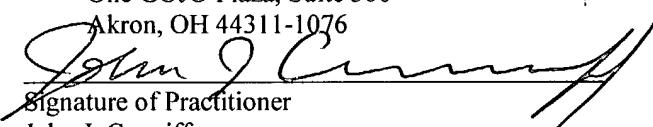
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Date: 27 October 2004


(Signature of person making statement that
abandonment was unintentional)

John J. Cunniff
One GOJO Plaza, Suite 300
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Signature of Practitioner
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Date: 27 October 2004

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Addendum

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1. Petition to Revive Application Abandoned Unintentionally for Failure to Reply to a Final Rejection